

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: September 30, 2003
)	
Clarissa A. Smith)	DOCKET NO.: 03F-187
Accountant)	
District of Columbia Public Schools)	
Office of the Chief Financial Officer)	
7819 Karla Lane)	
Fort Washington, Maryland 20744)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Clarissa A. Smith, Accountant, District of Columbia Public Schools, Office of the Chief Financial Officer, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 11, 2003, OCF ordered Clarissa A. Smith (hereinafter respondent), to appear at a scheduled hearing on August 25, 2003 and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On August 25, 2003, respondent appeared at the scheduled hearing and testified that she discovered the filing oversight on or around August 7, 2003, and that her agency has been downsizing over the past two (2) years, requiring long work hours and the assumption of additional duties. Respondent asserted that the process of her agency's conversion from the SOARS Management System to PeopleSoft, with a target date of October 1, 2003, has required her attendance at many meetings, and additional training,

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in addition to her normal workload. Respondent further asserted that last year agency employees were reminded by their CFO and Administrative Assistant to timely file Financial Disclosure Statements, which were submitted to OCF as one (1) package. Respondent stated this did not occur this year due to the heavy workload and the conversion to PeopleSoft. Respondent asserted that she filed timely last year, the first time she was required to file with OCF. At the hearing, respondent presented copies of time sheets, evidencing her long hours of work; a copy of a letter from her supervisor to the CFO concerning the lack of adequate resources; copies of training schedules; and copies of related emails. Respondent filed a fully executed Financial Disclosure Statement on August 14, 2003.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent timely filed a Financial Disclosure Statement in May 2002 for calendar year 2001.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
3. Respondent filed the required Financial Disclosure Statement on August 14, 2003.
4. Respondent asserted the downsizing of her agency, necessitating the assumption of additional work and long work hours, as well as the agency's preparation for conversion to a new financial management system, have contributed to the filing oversight.
5. Respondent further asserted that last year her agency had a system in place to ensure that affected employees filed timely with OCF.
6. Respondent has no history of prior filing delinquencies.
7. Respondent's explanation for the filing delinquency is credible in that she asserts she was not aware of the filing oversight until August 7, 2003, and that she was involved in time-sensitive matters critical to her agency's operations.
8. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$1,900.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file, coupled with her filing history, constitute good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.